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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 KEITH SPENCER,

12 Plaintiff,

13 vs.

14 FIRST FEDERAL BANK, et al.,

15 Defendant.
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CASE NO. 08cv0942 DMS (LSP)

**ORDER (1) DENYING MOTION
TO PROCEED *IN FORMA*
PAUPERIS, (2) DISMISSING CASE
WITHOUT PREJUDICE AND (3)
DENYING MOTIONS TO DISMISS
AS MOOT**

[Docket Nos. 2, 3, 5]

17 Plaintiff, proceeding *pro se*, has submitted a 28-page document that appears to be a civil
18 complaint. Along with his complaint, Plaintiff has filed a motion to proceed *in forma pauperis*.

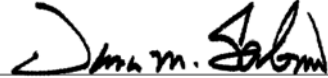
19 The Court finds that Plaintiff's declaration of inability to pay costs or give security is
20 insufficient to permit him to proceed *in forma pauperis*. Specifically, Plaintiff states he is currently
21 employed and earns an average of \$1,500.00 per month. Although Plaintiff has monthly expenses,
22 it appears his wife pays at least half of those expenses. It also appears Plaintiff has a primary
23 residence worth \$500,000, as well as a 1987 Mercedes Benz, which he owns outright. In light of this
24 information, IT IS HEREBY ORDERED that Plaintiff's motion to proceed *in forma pauperis* is
25 DENIED and the Complaint is DISMISSED without prejudice.¹ Pursuant to this Order, however,
26 Plaintiff is granted 30 days leave to pay the \$350 filing fee required to maintain this action pursuant
27 to 28 U.S.C. § 1914, or to submit additional documentation regarding his economic status. **IF**
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¹ In light of the dismissal, the pending motions to dismiss are denied as moot.

1 **PLAINTIFF CHOOSES TO FILE ADDITIONAL INFORMATION REGARDING HIS**
2 **POVERTY, HE MUST ATTACH A COPY OF THIS ORDER.**

3 **IT IS SO ORDERED.**

4 DATED: July 16, 2008



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6 HON. DANA M. SABRAW
7 United States District Judge
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